

REMARKS

Claims 1-5 and 7-9 are pending. Claim 1 has been amended. Claim 6 has been canceled. No new matter has been presented.

Applicants thank the Examiner for conducting a telephone interview on August 17, 2006. During the interview the Examiner explained his view that the light confinement layer of Hatakoshi does not, by itself, function as a current constriction layer. No agreement was reached during the interview.

Claims 6 stands rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. This rejection is moot in view of the foregoing amendments. Applicants request that this rejection be withdrawn.

Claims 1-5 and 7-9 stand rejected under 35 USC 103(a) as being unpatentable over Hatakoshi, U.S. Patent No. 6,031,858 in view of Narui, U.S. Patent No. 6,468,820 and further in view of Fukunaga, U.S. Patent No. 6,516,016. This rejection is respectfully traversed.

Claim 1 has been amended to recite "wherein side surfaces of the part of the second cladding layer and the contact layer constituting the ridge portion are covered with the light confinement layer and the dielectric film." According to this feature, the light confinement effect and the current constriction effect are enhanced. Applicants refer the Examiner to the light confinement layer 52 and the dielectric film 53 in Fig. 1J and paragraphs [0060] to [0067]. Applicants submit that the prior art of record fails to teach or suggest this feature. Thus, for at least this reason, claim 1 is allowable.

The remaining claims are allowable at least due to their respective dependencies. Applicants request that this rejection be withdrawn.

Claims 1-2 and 8 stand rejected under 35 USC 103(a) as being unpatentable over Fukunaga in view of Narui. This rejection is respectfully traversed.

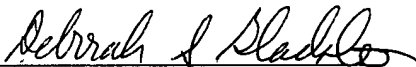
Neither Fukunaga nor Narui teach or suggest the feature of “wherein side surfaces of the part of the second cladding layer and the contact layer constituting the ridge portion are covered with the light confinement layer and the dielectric film.” Accordingly, claim 1 is allowable.

The remaining claims are allowable at least due to their respective dependencies. Applicants request that this rejection be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 204552030700.

Dated: September 6, 2006

Respectfully submitted,

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